

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Lance Phillip Wickner,

Civil No. 09-940 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Jessica Symmes, Kent Grandlienard,  
and Lcie Stevenson, all sued  
in their individual capacities,

Defendants.

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Lance Phillip Wickner, *Pro Se*, Plaintiff.

Jackson Evans, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Defendants.

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This matter is before the Court upon Plaintiff Lance Phillip Wickner's ("Plaintiff") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 22, 2010, insofar as it recommends that: (1) Plaintiff's Motion for Partial Summary Judgment be denied; (2) Plaintiff's Motion for the Appointment of Counsel be denied; (3) Defendants Grandlienard, Symmes, and Stevenson's Motion for Summary Judgment be granted; and (4) this case be dismissed with prejudice. Defendants Jessica Symmes, Kent Grandlienard, and Lcie Stevenson filed a Response to Plaintiff's Objections (Doc. No. 75) on August 19, 2010.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Plaintiff Lance Phillip Wickner's objections (Doc. No. [74]) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 22, 2010, are **DENIED**.
2. Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 22, 2010 (Doc. No. [73]), is **ADOPTED**.
4. Plaintiff's Motion for Partial Summary Judgment (Doc. No. [56]) is **DENIED**.
5. Plaintiff's Motion for the Appointment of Counsel (Doc. No. [60]) is **DENIED**.
6. Defendants Grandlienard, Symmes, and Stevenson's Motion for Summary Judgment (Doc. No. [61]) is **GRANTED**.
7. This case is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 23, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge